

# Exhibit B

**BLOCK & LEVITON LLP**

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***Fight for a level playing field.*** Block & Leviton believes investors, pensioners, consumers and employees deserve an advocate who will take a stand to protect their rights. We value our role not only in recovering our clients' immediate losses, but in protecting their long-term interests by helping to shape corporate policy. We genuinely enjoy our work, which each day offers an opportunity to tackle novel problems and unique challenges in a continuously evolving economy. We concur with Aristotle's observation that pleasure in the job puts perfection in the work. We believe this is reflected in our track record, which includes our ability to take a case to trial and win, as well as our appointment as lead or co-lead counsel in many dozens of high profile matters, including:

*In re BP Securities Litig.*, Case No. 4:10-MD-02185 (S.D. Tex.) (settled for \$175 million), *In re Google Class C Shareholder Litig.*, Case No. 7469-CS (Del. Ch.) (settled for \$522 million) and *In re: Drywall Antitrust Litigation*, Case No. 13-md-02437 (E.D. Pa.) (to date, settlements with 2 of 6 defendants totaling more than \$10 million), and *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litig.*, Case No. 3:15-md-02672 (N.D. Cal.) (settled for approximately \$15 billion). Our attorneys have successfully recovered billions for our clients and class members and have done so even under adverse conditions, including successfully litigating against bankrupt and foreign-based corporations.

***Defy convention.*** Instrumental to our philosophy is the willingness to embrace new ways of seeing, and solving, our clients' problems. For example, we challenged Google Inc.'s plan to issue a new class of non-voting stock that threatened to diminish the value of minority investors' holdings in the company. With trial set to begin in less than two days, Block & Leviton brokered a settlement with Google Inc. and its directors that provided for a forward-looking payment ladder (valued at up to \$7.5 billion) to protect minority investors against future diminution in their stock value. As a result of the payment ladder, shareholders ultimately recovered \$522 million in cash and stock in May 2015. Appreciation of the fact that each of our clients has a unique viewpoint allows us to tailor our advice and representation accordingly to achieve superior results, and to do so with maximum efficiency.

***Surround yourself with the best.*** The Firm credits its success to its entire team of extremely talented, dedicated attorneys, the majority of whom have significant litigation experience. An in-depth curriculum vitae highlighting each attorney's areas of expertise, unique experience, recognition in the field and education credentials follows.



## JEFFREY C. BLOCK

Partner

Email. jeff@blockesq.com

### EDUCATION

- Brooklyn Law School, J.D., cum laude 1986
- State University of New York, B.A., Political Science, cum laude 1983

### BAR ADMISSIONS

- New York
- Massachusetts

### COURT ADMISSIONS

- United States Supreme Court
- First, Second, Third, Ninth, and Eleventh Circuit Courts of Appeal
- D. Mass.
- S.D.N.Y. and E.D.N.Y.

### PUBLICATIONS | SPEAKING EVENTS

- ALI-ABA Conference for Insurance and Financial Services Industry Litigation, July 2009, Lecturer and Panelist
- Damages in Securities Litigation, sponsored by Law Seminars International at the Harvard Club, Panelist
- Litigation to Remedy Meltdown Damages: What Can Be Gained?, Harvard Law School's Capital Matters Conference, Speaker
- Guest commentator on NBC
- International Strategies Recoveries for Foreign Investments, Post Morrison, San Francisco Bar Association, Panel Moderator

Jeffrey Block is a co-founding partner of Block & Leviton. With a career spanning thirty years, Jeff is recognized as one of the nation's preeminent class action attorneys and is recognized as a "Super Lawyer" by *Massachusetts Super Lawyers*. Jeff currently represents the Ohio Public Employees Retirement System in *In re BP Sec. Litig.*, No. 4:10-MD-02185 (S.D. Tex.), charging that BP misled investors as to the amount of oil leaking from the Macondo well after the explosion aboard the *Deepwater Horizon* oil rig in the Gulf of Mexico in 2010. Jeff, on behalf of the plaintiffs, successfully argued against defendants' motions to dismiss, in favor of class certification, in opposition to summary judgment, and helped secure a settlement of \$175 million for the class, which represents more than 60% of the class' actual losses. Jeff also represented the Brockton Retirement System in an action challenging Google's attempt to split its stock into voting and non-voting shares. See *In re Google, Inc. Class C S'holder Litig.*, Case No. 7469-CS (Del. Ch. Ct.). Two days before the start of trial, the action settled for significant corporate governance changes and a payment ladder valued up to \$7.5 billion, which was designed to protect shareholders against any diminution in the value of their shares during the first year of trading. Because of the payment ladder, shareholders ultimately recovered \$522 million in cash and stock in May 2015.

In addition, Jeff represents some of the country's largest institutional investors, including the Massachusetts Pension Reserves Investment Management Board (PRIM), the Ohio Public Employees Retirement System, the Ohio State Teachers Retirement System, the Washington State Investment Board, the New Mexico Educational Retirement Board, the New Mexico Public Employees Retirement System, the New Mexico State Investment Council and the Oklahoma Police Pension and Retirement System.

Some of the major class actions that Jeff has either led, or played a significant role in, include: *In re First Executive Corp. Securities Litig.*, 89-cv-7135 (C.D. Cal.) (settled for \$100 million); *In re Xerox Corp. Sec. Litig.*, 3:00-cv-01621 (D. Conn.) (settled for \$750 million); *In re Bristol Myers Squibb Sec. Litig.*, 02-cv-2251 (S.D.N.Y.) (settled for \$300 million); *In re Lernout & Hauspie Sec. Litig.*, 1:00-cv-11589 (D. Mass.) (settled for \$180 million); *In re Symbol Technologies Sec. Litig.*, 2:02-cv-1383 (E.D.N.Y.) (settled for \$127 million); *In re Prison Realty Corp. Sec. Litig.*, 3:99-cv-0452 (M.D. Tenn.) (settled for over \$100 million); *In re Philip Services Corp. Sec. Litig.*, 98-cv-835 (S.D.N.Y.) (settled for \$79.75 million); *In re American Home Mortgage Sec. Litig.*, 07-MD-1898 (E.D.N.Y.) (settled for \$50.5 million); *In re Force Protection Sec. Litig.*, 2:08-cv-845 (D.S.C.) (\$24 million settlement); *In re Swisher Hygiene, Inc., Securities and Derivative Litig.*, 3:12-md-2384 GCM (W.D.N.C.) (\$5.5 million settlement).

Jeff has a proven record of overcoming significant challenges to obtain substantial recoveries on behalf of his clients. For example, in the *Philip Services* securities litigation, Jeff persuaded the United States Court of Appeals for the Second Circuit to reverse the District Court's dismissal of the action on the grounds of *forum non conveniens*. See *Dirienzo v. Philip Services Corp.*, 294 F.3d 21 (2d. Cir. 2002).

Upon reversal, Jeff led the team of attorneys in taking more than 40 depositions and, upon the eve of trial, the action settled for \$79.50 million, among the largest recoveries ever in a securities action from a Canadian accounting firm. Jeff's skills were discussed in great lengths by the court, specifically noting that counsel:

“pursued this fact-intensive and legally complex litigation vigorously over a nine-year period, rejected offers of settlement for amounts inferior to the amounts upon which the parties ultimately agreed, and assumed significant risks of non-recovery. Co-Lead Counsel had to overcome the disclaimers and uncertainties of insurance coverage, and vigorous advocacy of extremely able and deeply-staffed defense counsel. ... And **THEY DID THEIR WORK EFFICIENTLY, WITH MINIMAL DUPLICATION, AND MAXIMUM EFFECTIVENESS.**”

**“I was careful to choose attorneys who have great ability [and] great reputation... And I think you’ve undertaken the representation of these people, you’ve done an excellent job, you’ve reached a settlement that I think is fair and in their benefit ...”.**

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Honorable C. Weston Houck,  
*In re Force Protection Sec. Litig.*, 2:08-cv-845 CWH (D.S.C.)  
(\$24 million settlement)

*In re Philip Servs. Corp. Sec. Litig.*, 2007 U.S. Dist. LEXIS 101427, 13-14 (S.D.N.Y. Mar. 27, 2007) (Honorable Alvin K. Hellerstein). Similarly, in *Lernout & Hauspie Sec. Litig.*, Jeff was the lead attorney in securing over \$180 million for defrauded investors. The action involved an accounting fraud of a company headquartered in both the United States and Belgium.

Recently, Jeff led a team of litigators, private investigators and a forensic accountant through a complex accounting fraud case. Jeff settled the case on terms extremely beneficial to the class, as recognized by the court. See *In re Swisher Hygiene, Inc., Securities and Derivative Litig.*, 3:12-md-2384 GCM (W.D.N.C.).



## JASON M. LEVITON

Partner

Email. jason@blockesq.com

### EDUCATION

- Georgetown University Law Center, LL.M., Securities and Financial Regulations - Dean's Award (1 of 6)
- Gonzaga University School of Law, J.D., cum laude, Moot Court Council, International Law Review
- Gonzaga University, B.A., Philosophy and Political Science

### BAR ADMISSIONS

- Massachusetts
- District of Columbia
- State of Washington
- State of Florida

### COURT ADMISSIONS

- First Circuit Court of Appeals
- D. Mass.
- D.D.C.
- W.D. Wash.

### PUBLICATIONS | SPEAKING EVENTS

- Guest on Rights Radio
- Law360 Securities Law Editorial Advisory Board
- SEC Litigation Release No. 18638, primary author
- Contributor, *After the Ball is Over: Investor Remedies in the Wake of the Dot-Com Crash and Recent Scandals*, Nebraska Law Review, 2005
- Speaker at Georgetown University Law Center on prosecution of securities class action lawsuits
- Presenter at Business Law Symposium entitled *Shareholder Rights: An Idea Whose Time has Come*, November 2013
- Presenter at National Conference on Public Employee Retirement Systems' Summer Conference, May 2013

Mr. Jason Leviton is a co-founding partner of Block & Leviton and focuses his practice on investor protection and shareholder rights matters. He serves as Co-Chair of the Firm's New Case Investigation and Monitoring Team and Chair of the Merger and Acquisition Litigation Team. In 2011 and each year thereafter, Jason was named a "Rising Star" by *Massachusetts Super Lawyers*, an honor given to only 3% of all lawyers in the Commonwealth. In 2014, Jason was named as a Top 100 Trial Lawyer by the National Trial Lawyer Association. After receiving his law degree, Jason attended the Georgetown University Law Center and received a Master of Laws (LL.M.) in Securities and Financial Regulation (Dean's Award, 1 of 6). During that time, he was the inaugural LL.M. student selected for an externship with the S.E.C., Enforcement Division. Jason is now a member of the Association of Securities and Exchange Commission Alumni.

Currently, Jason represents several Ohio Pension Funds against BP following the largest oil spill in United States history. See *In re BP plc Securities Litigation*, Case No. 10-cv-2185 (S.D. Tex.) (settled for \$175 million). He also serves as co-lead counsel in *In re Onyx Pharmaceuticals Inc. Shareholder Litigation*, Case No. CIV523789 (Cal. Sup. Ct) (settled for \$30 million).

Jason has been named lead or co-lead counsel in numerous class actions, including: *In re Plains Exploration & Production Co. Stockholder Litig.*, Case No. 8090-VCN (Del. Ch.) (litigation led to an increase of approximately \$400 million to the original merger amount); *In re MIPS Technologies, Inc. Stockholder Litig.*, Case No. 8103-VCN (Del. Ch.) (settled for numerous material disclosures and amendments to the merger agreement); *In re Cybex Int'l Shareholders Litig.*, Case No. 653794/2012 (N.Y. Sup. Ct) (settlement involved substantial dividend payment to shareholders); and *In re Sunoco, Inc.*, Case No. 1204-03894 (settlement required Sunoco to publish an update to its Proxy Statement to correct for material omissions).

Jason has achieved significant recoveries on behalf of class members, including but not limited to: *In re Empire State Realty Trust, Inc. Investor Litigation*, Case No. 650607/2012 (settled for \$55 million); *In re KIT Digital, Inc. Securities Litigation*, Case No. 12-04199 (S.D.N.Y.) (settled for more than \$6 million following the company's voluntary petition for bankruptcy); *In re Swisher Hygiene, Inc. Sec. and Deriv. Litig.*, MDL No. 3:12-MD-2384-GCM (W.D.N.C) (settled for nearly 40% of all cognizable damages); and *Brockton Retirement Board and City of Quincy Contributory Retirement Systems v. Oppenheimer Global Resource Private Equity Fund I, L.P., et al.*, Case No. 1:12-cv-10552 (D. Mass.) (settled for numerous improvements to Oppenheimer's corporate governance structure regarding the valuation of assets).

In addition to his class action experiences, Jason has litigated other forms of complex litigation. For instance, he worked with a former State of New York Attorney General in the defense of an attorney accused of insider trading, which included a criminal referral to the United States Department of Justice.



He was also heavily involved in the representation of four detainees being held at the Guantánamo Bay Naval Station in Cuba.

Moreover, Jason has represented former employee whistleblowers before the S.E.C. where, in one instance, he successfully argued that his clients should receive the maximum whistleblower award of 30% pursuant to the Dodd-Frank Act, which equated to nearly \$1 million. Jason has represented former employee whistleblowers before the S.E.C. where, in one instance, he successfully argued that his clients should receive the maximum whistleblower award of 30% pursuant to the Dodd-Frank Act, which equated to nearly \$1 million. He also represented the same whistleblower in a retaliation claim against several Oppenheimer-related entities. See *John Doe v. Oppenheimer Asset Management, Inc., et al.*, Case No. 1:14-cv-00779-LAP (S.D.N.Y.).

Jason also has considerable experience litigating consumer class action cases involving deceptive business practices. For example, Jason, as co-lead counsel, successfully recovered 100% of the class's alleged damages stemming from the overcharging of scooped coffee beans at Starbucks stores throughout the country. See *In re Starbucks Consumer Litig.*, Case No. 2:11-cv-01985-MJP (W.D. Wa.).

Prior to forming Block & Leviton, Jason was an attorney at three other preeminent class action firms. There, he was instrumental in recovering \$10.5 million in the *Welmon v. Chicago Bridge & Iron*, Case No. 06-cv-01283, securities class action litigation. In that case, Jason represented Fortis Investments, a major European asset management company and, in addition to the monetary settlement, was able to institute several corporate governance changes at the company. In granting the Chicago Bridge & Iron settlement, the Honorable John Sprizzo stated that **"PLAINTIFFS' COUNSEL HAVE CONDUCTED THE LITIGATION AND ACHIEVED THE SETTLEMENT WITH SKILL, PERSISTENCE AND DILIGENT ADVOCACY."** *Chicago Bridge & Iron* (June 3, 2008).

Moreover, in the *Ong v. Sears Roebuck & Co.*, Case No. 03 C 4142 (N.D. Ill.), securities class action, Jason represented the State Universities Retirement System of Illinois (SURS) and helped settle the action for \$15.5 million. He also represented the Iowa Public Employees' Retirement System, the Policemen's Annuity & Benefit Fund of Chicago, the Central States, Southeast and Southwest Areas Pension Fund in the securities class action against MF Global that settled for \$90.0 million. See *Rubin v. MF Global, LTD., et al.*, Case No. 08-cv-02233 (S.D.N.Y.). Likewise, he was a member of the *In re VeriSign Securities Litigation*, Case No. C-02-2270 (N.D. Cal.) team that recovered more than \$78.0 million for investors.

**"The settlement is – gosh. . . . the fact that it's occurring within the context of a securities case, which is very difficult for plaintiffs to win, is extremely impressive to me. . . . [T]his is a matter which has been fairly litigated by people who know what they're doing."**

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Honorable Graham C. Mullen,  
*In re Swisher Hygiene, Inc., Securities and Derivative Litig.*,  
 3:12-md-2384 GCM (W.D.N.C.) (\$5.5 million settlement)

**WHITNEY E. STREET**

Partner

Email. whitney@blockesq.com

**EDUCATION**

- University of Virginia School of Law, J.D.
- University of Virginia, B.A., Economics and Literature

**BAR ADMISSIONS**

- California
- New York
- Massachusetts
- Texas

**COURT ADMISSIONS**

- N.D. Cal. and E.D. Cal.
- S.D.N.Y. and E.D.N.Y.
- D. Mass.

**PROFESSIONAL ACTIVITIES**

- Co-Chair of the AAJ Antitrust Litigation Group
- Law360 Competition Law Editorial Advisory Board
- National Association of Public Pension Attorneys

**PUBLICATIONS | SPEAKING EVENTS**

- Co-Author, What Lies Ahead in High Stakes Pay-For-Delay Antitrust Litigation, American Association of Justice Business Torts Newsletter (May 2015)
- Author, Technology Assisted Review: the Disclosure of Training Sets and Related Transparency Issues, Georgetown Law Advanced eDiscovery Institute (Fall 2014)
- Faculty, Georgetown University Law Advanced eDiscovery Institute (November 2014)
- Co-Author, Decision Re-Affirms Critical Role of Shareholders Benefits and Pensions Monitor (October 2014)
- Panelist, American Association for Justice Class Certification Seminar (2013)

Block & Leviton Partner Whitney Street has fifteen years of complex litigation experience and significant expertise in antitrust and securities class action litigation. Whitney, who serves as Chair of the Firm's Competition Law Group, was appointed Co-Lead Counsel on behalf of a class of indirect purchasers in *In re Domestic Drywall Antitrust Litig.*, 13-md-02437 (E.D.Pa.), which involves allegations of price fixing and other forms of concerted conduct in violation of the antitrust laws. To date, Whitney has recovered more than \$15 million on behalf of the class of indirect purchasers. The litigation is ongoing against the remaining four defendants.

In addition, Whitney represents the City of Providence in an antitrust class action suit against Celgene Corp. for unlawfully excluding generic competition for vital cancer treatment drugs. See *In re Thalomid and Revlimid Antitrust Litig.*, 14-cv-06997 (D.N.J.). Most recently, Whitney was appointed to the Plaintiffs' Steering Committee in *In re Packaged Seafood Antitrust Litig.*, 15-md-02670 (S.D.Cal.) (alleging price fixing in the market for shelf-stable seafood products) and in *In re Liquid Aluminum Sulfate Antitrust Litig.*, 16-md-02687 (D.N.J.) (alleging bid rigging, market allocation, and price fixing in the market for aluminum sulfate).

Whitney was also an integral part of the litigation teams in the following antitrust class actions: *Air Cargo Shipping Services Antitrust Litigation*, 06-md-1775 (E.D.N.Y.) (settlements totaling more than \$270.0 million); *In re: Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, 3:03-md-1542 (D. Conn.) (partial settlements totaling \$87.0 million); *In re: Methyl Methacrylate (MMA) Antitrust Litigation*, 06-md-01768 (E.D. Pa.) (settled for \$15.0 million); and *In re: Hydrogen Peroxide Antitrust Litigation*, 05-civ-666 (E.D. Pa.) (partial settlements of more than \$4.0 million).

Whitney received her training at prominent litigation firms in New York and Boston where she represented clients in antitrust and securities class actions. She began her career at Pillsbury Winthrop Shaw Pittman, one of the largest law firms in California.

**R. JOSEPH BARTON**

Partner

Email. joe@blockesq.com

**EDUCATION**

- College of William & Mary, Marshall-Wythe Law School, J.D.
- College of William & Mary, B.A., History and Classical Studies

**BAR ADMISSIONS**

- California
- District of Columbia

**COURT ADMISSIONS**

- Second, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuit Courts of Appeal
- D.D.C.
- N.D. Cal., C.D. Cal., and S.D. Cal.
- D. Md.
- N.D. Tex. and W.D. Tex.
- N.D. Ill.

**PROFESSIONAL ACTIVITIES**

- Co-Chair of the Civil Procedure Subcommittee for the ABA Employee Benefits Committee
- Co-Chair of AAJ
- Chair of Employment Rights Section of the AAJ from 2013 to 2014

R. Joseph Barton is the Chair of the Firm's Employee Benefits Group and the Firm's Veterans/ Servicemember Rights Group at the Firm. Joe has more than 15 years experience handling a diverse array of complex and class litigation. Joe has a Martindale-Hubbell AV Preeminent Rating, has been selected every year since 2013 as a Washington, D.C. Super Lawyer, has a 10.0 rating from Avvo, and is listed in the Marquis' Who's Who in American Law.

**NOTABLE ERISA CASES**

Over the last 15 years, Joe has handled a wide variety of employee benefit (i.e. ERISA) cases. He has been trial counsel in four ERISA cases. He was lead trial counsel in a case challenging a complex transaction involving the Trachte ESOP and the Alliance ESOP on behalf of a class of employees of Trachte, *Chesemore v. Alliance Holdings, Inc.*, No. 3:09-cv-00413 (W.D. Wis.). In that case, Joe obtained a favorable trial decisions on a liability and remedies of \$17.2 million (plus prejudgment interest) for the Class which was affirmed by the Seventh Circuit. In *Severstal Wheeling Inc. Ret. Comm. v. WPN Corporation*, No. 10-cv-954 (S.D.N.Y.), Joe was lead trial counsel representing the fiduciaries of two pension plan suing their former investment manager for improper investments and obtained a judgment for plaintiffs of over \$15 million which was affirmed by the Second Circuit.

Joe is among a handful of lawyers who regularly represent participants in litigation involving ESOPs holding privately held stock. In addition to the Alliance/Trachte ESOP litigation, Joe has litigated and is litigating a number of private ESOP cases, including the Jeld-Wen ESOP, the Tharaldson Motels, Inc. ESOP and, the Azon Corporation ESOP.

Joe has also been involved in a number of cases involving breaches of fiduciary duty and self-dealing, including improperly investing 401k plan assets in artificially inflated stock of publicly traded companies, in improper and risky investments such as hedge funds or private equity. He litigated one of the earliest cases challenging the prudence of investment and fees of the pension and 401k plans sponsored by New York Life Insurance Company.

Joe has also litigated cases involving the failure to properly pay benefits. In *Slipchenko v. Brunel*, No. 4-11-cv-01465 (S.D. Tex.), Joe obtained a settlement in a COBRA class action which resulted in the largest per class-member recovery in any reported COBRA class action. In *Simpson v. Fireman's Fund Insurance Company* (N.D. Cal.), Joe represented a class employees alleging that FFIC's policy of terminated persons on disability violated the discrimination provisions of ERISA, and obtained a settlement restoring their right to benefits for a period of years and also reimbursement of past expenses.

**NOTABLE CASES INVOLVING VETERANS & SERVICEMEMBERS**

In cases involving the rights of veterans and servicemembers, Joe is proud to have achieved results which one court described as "outstanding, worthy of being emulated by class representatives and counsel in other comparable litigation." In that case, *Tuten v. United Airlines*, No. 12-cv-1561-WJM-MEH (D. Col.), he was lead counsel for a class of United Airlines Pilots alleging USERRA violations in connection with their pension contributions. The case was settled for an amount that provided the Class with 100% of their actual damages.



In *Bush v. Liberty Life Assurance Co.*, Joe was lead class counsel on behalf of a class participants whose long term disability benefits were insured by Liberty Life alleging that those benefits should not have been reduced by the amount of benefits provided through the Department of Veterans Affairs. As part of the settlement, Liberty Life agreed to return 60% of the monies imposed as offsets and to cease imposing such reductions/offsets unless and until the state departments of insurance had approved them.

#### **PRO BONO CASES**

Joe considers pro bono representation an important part of his practice and has represented clients in actions concerning their employer's failure to pay wages and/or overtime. In one such case, the Judge in D.C. Superior Court described Mr. Barton's representation as follows: "EVERYTHING DONE ON BEHALF OF THE PLAINTIFF HAS BEEN PROFESSIONAL, TIMELY AND THOROUGH."

**JOEL FLEMING**

Partner

Email. joel@blockesq.com

**EDUCATION**

- Harvard Law School, J.D., cum laude
- Wilfrid Laurier University, B.A., Political Science with high distinction

**BAR ADMISSIONS**

- California
- Massachusetts

**COURT ADMISSIONS**

- First and Ninth Circuit Courts of Appeal
- N.D. Cal. and C.D. Cal.
- D. Mass.

**PUBLICATIONS**

- Co-author, Decision Re-Affirms Critical Role of Shareholders, Benefits and Pensions Monitor (October 2014)
- Co-author, Meltdowns crank up muni-bond litigation, Daily Journal (September 18, 2013)
- Co-author, SEC takes hard line on 'cyber incidents', Daily Journal (April 5, 2013)
- Co-author, Lower Courts Interpret The Supreme Court's Decision In Janus Capital Group, Inc. v. First Derivative Traders, Financial Fraud Law Report 4:5 (May 2012)

**PROFESSIONAL ACTIVITIES**

- Visiting Lecturer, Tufts University: Experimental College (2013-2015)

Block & Leviton Partner Joel Fleming has significant experience in shareholder litigation. Since graduating with honors from the Harvard Law School, Joel has spent his entire career practicing shareholder litigation and has been recognized as a "Rising Star" in securities litigation by Super Lawyers magazine for three years in a row.

Joel was a lead attorney for Block & Leviton in *In re Rentrak Corporation Shareholders Litigation*, No. 15CV27429, which resulted in a \$19 million settlement for a class of former shareholders of Rentrak Corporation. This is believed to be largest settlement of merger litigation in Oregon state court history. It was also one of the top five largest settlements, since 2010, of merger litigation arising from transactions valued at less than \$1 billion.

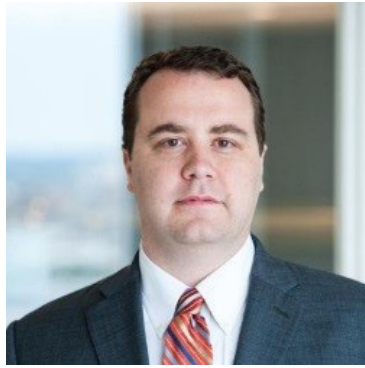
Joel was also the lead associate in *Vladimir Gusinsky Living Trust v. Berman*, No. 2:14-01420-JAK (C.D. Cal.), a derivative action on behalf of Jakks Pacific, Inc., which was resulted in a settlement that imposed significant corporate governance reforms, valued by expert testimony as worth \$20 to \$40 million to the company.

Joel is currently serving as one of the lead attorneys in litigation challenging a conflicted transaction between Reynolds American and its largest shareholder, British American Tobacco: a \$4.7 billion share issuance to British American Tobacco at a below-market price. In December 2016, in a question of first impression, the North Carolina Court of Appeals held in favor of the putative class represented by Block & Leviton, finding that Plaintiffs had adequately pled that British American Tobacco was a controlling shareholder and owed a fiduciary duty to public shareholders. *Corwin v. British Am. Tobacco PLC*, 796 S.E.2d 324, 327 (N.C. Ct. App. 2016).

Joel also serves as a lead attorney for a putative class of Charter Communications shareholders, challenging an unfair share issuance to Charter's controlling shareholders, Liberty Broadband and John Malone, in connection with Charter's purchase of Time Warner Cable and Bright House Networks.

In May 2017, the Delaware Chancery Court held that plaintiffs had adequately pled that the stockholder vote to approve the share issuance was "structurally coercive." *Sciabacucchi v. Liberty Broadband Corporation*, No. CV 11418-VCG, 2017 WL 2352152, at \*3 (Del. Ch. May 31, 2017).

Prior to joining the firm, Joel was a member of the Securities Litigation and Enforcement group at Wilmer Cutler Pickering Hale and Dorr—a large defense firm headquartered in Boston and Washington, D.C. While at WilmerHale, he served as a member of the trial team in *AATI v. Skyworks*, the first-ever arbitration to go to trial before the Delaware Chancery Court, in a case involving a merger-related dispute between two companies in the high technology industry. Joel represented both companies in a subsequent shareholder class action that ended with the dismissal with prejudice of all counts.

**JACOB WALKER**

Senior Associate

Email. [jake@blockesq.com](mailto:jake@blockesq.com)**EDUCATION**

- University of Michigan Law School, J.D., cum laude
- Babson College, B.S., Business Administration

**BAR ADMISSIONS**

- Massachusetts
- California

**COURT ADMISSIONS**

- First and Ninth Circuit Courts of Appeal
- D. Mass.
- N.D. Cal. and C.D. Cal.

**PROFESSIONAL CERTIFICATIONS**

- Certified Information Privacy Professional (CIPP/US)

**PUBLICATIONS**

- Co-author, PLI's Securities Litigation treatise – chapters on loss causation and securities trials

Jake represented the Louisiana Municipal Police Employees' Retirement System in *In re Onyx Pharmaceuticals Inc. Shareholder Litigation*, (Cal. Sup. Ct.), a matter arising out of Onyx's \$11 billion merger with Amgen (settled for \$30 million).

Jake currently represents lead plaintiffs in securities class actions against *Amicus Therapeutics* (D.N.J.) (\$3.9 million settlement pending preliminary approval), *EZCORP, Inc.* (W.D. Tex.), and *Global Power Equipment Corporation* (N.D. Tex.), and in litigation related to the \$4 billion private equity take-out of *Life Time Fitness, Inc.*, case no. 15-cv-01911 (D. Minn.). Jake has also fought for consumers in, among other cases, the VW diesel engine litigation, (N.D. Cal.) (initial settlement valued at over \$15 billion), and against Gatehouse Media for improperly overcharging Massachusetts consumers of weekly newspapers (Mass. Sup. Ct.).

Jake previously was an associate at both Gibson Dunn and Skadden Arps. He represented boards of directors, corporate acquisition targets, and acquirers in litigation related to mergers and acquisitions. He also represented defendants in litigation related to the \$5.3 billion private equity acquisition of Del Monte Foods Company in state and federal courts in California and Delaware, as well as in litigation related to Intel's \$7.7 billion acquisition of McAfee Inc. in the Superior Court of California. He has also represented third-parties in M&A litigation in California and Delaware courts.

In addition, Jake has represented several large technology companies, including in the defense of consumer class actions related to privacy and technology issues. He is a Certified Information Privacy Professional and has a deep understanding of technology and privacy issues. Jake has also represented companies in antitrust class actions and investigations, stockholder derivative actions, securities class actions, and in investigations before the F.T.C. and the Massachusetts Attorney General's office.

As part of his pro bono practice, Jake was part of a team of attorneys who represented Indian workers illegally trafficked to the Gulf Coast. Claims against the company have been proposed to be settled for over \$20 million as part of a pending bankruptcy case. Jake has also been recognized by the American Bar Association for his pro bono work on behalf of active duty military members and for his work teaching financial literacy skills to Boston-area high school students.

**VINCENT CHENG**

Senior Associate

Email. vincent@blockesq.com

**EDUCATION**

- University of California Berkeley School of Law, J.D.
- University of California, Berkeley, B.A., Philosophy and Mathematics

**BAR ADMISSION**

- California

**PUBLICATIONS**

- Author, “*National Railroad Passenger Corporation v. Morgan*: A Problematic Formulation of the Continuing Violation Theory,” *California Law Review* (October 2003)

Vincent Cheng is an associate at the firm and a member of the Employee Benefits Group and Veterans/Servicemember Rights Group.

Since graduating from law school, Vincent has focused his work on advocating for the rights of employees and retirees and of veterans and servicemembers. Prior to joining Block & Leviton, he had over 8 years of experience in litigating a variety of lawsuits on behalf of employees. These lawsuits included cases brought under the Employee Retirement Income Security Act (ERISA) involving breach of fiduciary duty and benefit denial claims and cases brought under the Uniformed Services Employment and Reemployment Rights Act (USERRA) involving veterans’ employment rights and benefits, as well as employment cases involving unpaid overtime wages under the Fair Labor Standards Act and the California Labor Code and race and gender discrimination under Title VII and the California Fair Employment and Housing Act (FEHA).

**NOTABLE EMPLOYEE BENEFITS CASES**

- *Carlson v. Northrop Grumman Severance Plan*, No. 13-cv-02635 (N.D. Ill.): represent a putative class of employees who were laid off from Northrop Grumman alleging that they improperly denied cash severance under the severance Plan.
- *Aguilar v. Melkonian Enterprises, Inc.*, No. 05-cv-00032 (E.D. Cal.): represented a class of participants in two pension plans alleging that the fiduciaries failed to prudently invest the plan assets; obtained a settlement that provided for recovery of more than 85% of the losses to the plans.
- *Simpson v. Fireman’s Fund Insurance Company*, No. C05-000225 (N.D. Cal.): represented disabled employee-participants alleging that FFIC terminated them in violation of ERISA § 510 to prevent them from continuing to receive medical benefits; obtained a settlement that provided for restoration of their right to benefits for a period of years and reimbursement of past medical expenses.
- *Paulsen v. CNF Inc.*, No. C 03-3960 (N.D. Cal.): represented a group of employees alleging that the fiduciaries breached their duties under ERISA in connection with the spinoff of a division of CNF, and that the CNF pension plan’s actuary breached its duty of care under state law in valuing the plan liabilities to be transferred at spinoff and certifying post-spinoff that the new plan was adequately funded.
- *Hurlic v. Southern California Gas Company*, No. 05-5027 (C.D. Cal.): represented a group of participants alleging that the pension benefit accrual formula under SCGC’s cash balance defined benefit plan violated ERISA’s prohibition against age discrimination and ERISA’s anti-back-loading rules.

#### NOTABLE CASES INVOLVING VETERANS AND SERVICEMEMBERS RIGHTS

- *Allman v. American Airlines, Inc. Pilot Retirement Benefit Program Variable Income Plan*, No. 14-cv-10138 (D. Mass.), where American Airlines allegedly violated USERRA and ERISA by making deficient pension contributions for a class of pilots who took military leave.
- *Bush v. Liberty Life Assurance Company of Boston*, No. 14-cv-01507 (N.D. Cal.), where Liberty Life agreed to return significant portions of reduced long-term disability benefits to veteran-claimants and not to reduce future benefits absent state approval.
- *Munoz v. InGenesis STGi Partners, LLC*, No. 14-cv-1547 (S.D. Cal.), a USERRA discrimination and failure-to-reemploy case where we obtained through settlement the full amount of the plaintiff's lost pay and benefits plus interest and a sizable amount of liquidated damages.

#### NOTABLE EMPLOYMENT CASES

- *Gutierrez v. Schmid Insulation Contractors, Inc.*, No. 07-cv-5852 (C.D. Cal.), a wage-and-hour class action alleging that the defendants failed to pay for travel time from offices to construction sites, provide meal and rest breaks, and pay overtime to a group of Spanish-speaking, immigrant workers.
- *Wynne v. McCormick & Schmick's Seafood Restaurants, Inc.*, 06-cv-03153 (N.D. Cal.), a Title VII and FEHA class action alleging race discrimination in hiring and job assignments, which resulted in a consent decree through settlement that provided for significant injunctive relief to promote equal employment opportunity in defendants' employment practices.
- *Holloway v. Best Buy Co., Inc.*, No. 05-5056 (N.D. Cal.), a Title VII and FEHA class action alleging race and gender discrimination by Best Buy in hiring, promotions, and job assignments.





## **BRADLEY VETTRAINO**

Associate

Email. [bradley@blockesq.com](mailto:bradley@blockesq.com)

### EDUCATION

- Washington University in Saint Louis School of Law, J.D. (Dean's List)
- Metropolitan State University of Denver, B.A., History

### BAR ADMISSIONS

- Massachusetts
- Illinois

### COURT ADMISSIONS

- D. Mass.
- S.D. Ill.

Prior to joining Block & Leviton in 2015, Bradley worked as an associate at two prominent plaintiff-side products liability firms.

Bradley is experienced in all stages of complex civil litigation, including discovery and dispositive motion practice. In addition, he has worked on an array of complex civil matters, including products liability cases, consumer protection matters and business litigation in both state and federal courts.

In addition, Bradley has experience managing and litigating over fifteen plaintiffs' toxic tort cases, securing favorable settlements in numerous matters. In addition, he successfully argued in opposition to a motion for summary judgment before a state court.

Bradley was a member of the team representing the Ohio Public Employees' Retirement System in the securities class action *In re BP plc Sec. Litig.*, Case No. 4:10-md-02185 (S.D. Tex.), which recovered \$175 million to investors related to the explosion and subsequent massive oil spill in the Gulf of Mexico in 2010. Additionally, he also represented a pension fund in the class action *In re Onyx Pharmaceuticals, Inc. Securities Litigation*, case no. CIV523789 (Cal. Sup. Ct.), which recently settled for \$30 million – the second largest post-close merger and acquisition settlement in California state court history.

Bradley currently represents shareholders of Rentrak Corporation in a lawsuit currently pending in Oregon against the Company and its Board of Directors relating to the proposed acquisition of Rentrak Corporation by comScore, in which a \$19 million settlement is pending final approval. See *In re Rentrak Corporation Shareholders Litigation*, Case No. 15-cv-27429 (Ore. Cir. Ct.). He also represents shareholders of Keryx, Inc. in a securities action pending in the District of Massachusetts. Mr. Vettraino also represents shareholders in a variety of derivative and books and records actions.

Upon graduating from Washington University in St. Louis, Bradley received the Dan Carter-Earl Tedrow Memorial Award, an award given to the student who most exemplifies the aims of the legal profession. He also served as an Executive Board Member and Primary Editor of the Global Studies Law Review.

**THOMAS KIRCHOFER**

Associate

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Thomas Kirchofer is an associate at Block & Leviton LLP, focusing on securities, corporate governance, and merger-and-acquisition litigation. Mr. Kirchofer recently joined Block & Leviton from the Boston firm Sherin and Lodgen, LLP, where he had a wide-ranging practice representing clients in complex business disputes. He was named a “Rising Star” by *Massachusetts Super Lawyers* in 2009 through 2011, and again in 2013 through 2016.

Tom has represented both plaintiffs and defendants in state and federal courts, and before administrative agencies. He has successfully represented health care providers in disputes with third-party payers, and he was part of a team of lawyers defending a large generic pharmaceutical company from a series of claims that the “Average Wholesale Prices” of its drugs were inflated. He has frequently defended lawyers in legal malpractice actions and professional discipline matters, and he has extensive experience in commercial real estate disputes.

**EDUCATION**

- Cornell Law School, J.D.
- Brown University, B.A., History

**BAR ADMISSIONS**

- Massachusetts
- New Hampshire

**COURT ADMISSIONS**

- First Circuit Court of Appeals
- D. Mass.
- D.N.H.

**PUBLICATIONS**

- Contributing author to Massachusetts Evidence: A Courtroom Reference (MCLE).
- New Expectations in Wake of Latest Updates to ‘Snitch Rule.’ Mass. Lawyers Weekly, March 2, 2017.
- Firms Need to Provide New Lawyers With Clear Ethical Guidance. Mass. Lawyers Weekly, June 2, 2016.
- Attorney Voir Dire and Social Media: Tread Carefully. Mass. Lawyers Weekly, September 4, 2014.
- Court Finds New Grounds for Waiver of Attorney-Client Privilege. Mass. Lawyers Weekly, July 6, 2009.

**NOTABLE MATTERS**

Thomas has obtained judgments on behalf of clients in various types of matters, including attorneys in legal malpractice cases and landlords involved in commercial lease disputes. On multiple occasions, Tom persuaded the Office of Bar Counsel of the Board of Bar Overseers not to pursue disciplinary charges against lawyers. In *Fox v. Volvo Cars of N. Am., LLC*, he achieved dismissal of a products liability suit against automobile manufacturer, upheld on appeal. 2016 Mass. App. Div. 37 (Dist. Ct. 2016). Tom successfully moved to dismiss the individual defendants in an ERISA suit against closely held corporation (*Langone v. Son, Inc.*, No. 12-11717-GAO, 2015 WL 3744419 (D. Mass. June 15, 2015)).

Additionally, Tom has successfully defended a judgment on appeal at the First Circuit Court of Appeals, where the appellant attempted to challenge a state court judgment in federal court.

## STEPHEN TETI

Associate

Email. steti@blockesq.com

### EDUCATION

- Quinnipiac University School of Law, J.D., magna cum laude
- Fairfield University, B.A., Political Science and French, cum laude

### BAR ADMISSIONS

- Massachusetts
- Connecticut

### Court Admissions

- Ninth Circuit Court of Appeals
- D. Mass.
- D. Conn.t
- D. Colo.
- S.D.N.Y. and W.D.N.Y.

Stephen Teti is an associate at Block & Leviton LLP, focusing his practice on antitrust litigation.

Stephen joined Block & Leviton after practicing securities, derivative, and consumer class litigation for six years at a nationally-recognized plaintiffs' law firm in Connecticut. Before, he clerked for the judges of the Connecticut Superior Court. During law school, Steve served as Publications Editor of the Quinnipiac Law Review, a judicial extern to the Honorable Stefan R. Underhill in the United States District Court for the District of Connecticut, an intern for the State of Connecticut Office of the Attorney General, and as a legislative extern to the Judiciary Committee of the Connecticut General Assembly.

### NOTABLE CASES

- Obtained a significant decision for consumers in *Friedman v. Maspeth Fed. Loan & Savings Ass'n*, 30 F. Supp. 3d 183 (E.D.N.Y. 2014). In a case before the Honorable Jack B. Weinstein, raising "issues of first impression on the reach of the Real Estate Settlement Procedures Act," Mr. Teti defeated a motion to dismiss, and later obtained a settlement that reimbursed consumers for 100% of their losses in the case which involved wrongful imposition of late charges on timely received mortgage payments;

- Lead associate in cases achieving notable recoveries under the Securities Act of 1933, including *City of Birmingham Retirement & Relief System v. MetLife, Inc.*, Case No. CV-2012-902101 (Ala. Cir. Ct.) (\$9.75 million settlement); *Rosenberg v. Cliffs Natural Resources, Inc.*, No. 2014 CV 828140 (Ohio Ct. Com. Pleas) (\$10 million settlement); and *Niitsoo v. Alpha Natural Resources, Inc.*, No. AD-303-2014 (Pa. Ct. Com. Pleas) (\$3.6 million settlement);

- Lead associate in several successful appeals, including *Cottrell v. Duke*, 737 F.3d 1238 (8th Cir. 2013); *Westmoreland County Employee Retirement System v. Parkinson*, 737 F.3d 719 (7th Cir. 2013); and *Chavez v. Nestlé USA, Inc.*, 511 Fed. Appx. 606 (9th Cir. 2013);

- Achieved several favorable decisions regarding the improper removal of class actions under the Securities Act of 1933, including *Niitsoo v. Alpha Natural Resources, Inc.*, 902 F. Supp. 2d 797 (S.D. W. Va. 2012); *Rosenberg v. Cliffs Natural Resources, Inc.*, 2015 WL 1534033 (N.D. Ohio Mar. 25, 2015); and *Rajasekaran v. CytRx Corp.*, 2014 WL 4330787 (C.D. Cal. Aug. 21, 2014);

- Represented banks and other financial institutions in *In re Home Depot Inc. Customer Data Security Breach Litig.*, 14-md-2583 (N.D. Ga.) (served on Plaintiffs' Coordination & Discovery Committee); *In re Target Corp. Customer Data Security Breach Litig.*, 14-md-2522 (D. Minn.); and *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, No. 15-cv-2228 (N.D. Ill.)

**JEFFREY GRAY**

Associate

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EDUCATION

- Suffolk University Law School, J.D.
- Sawyer Business School, Suffolk University, M.B.A.
- Connecticut College, B.A., Economics

BAR ADMISSION

- Massachusetts

Jeff Gray joined Block & Leviton as an associate in 2016, where his practice focuses on consumer class action litigation. Jeff is experienced in conducting large scale document review projects.

Jeff is a member of the Block & Leviton LLP litigation team representing members of the class in the matter Volkswagen “Clean Diesel” MDL. Prior to joining Block & Leviton, Jeff also received valuable experience with class action shareholder suits, breach of contract cases, and defense of trademark infringement claims, as well as SEC and DOJ investigations of pharmaceutical companies and hedge funds.

Earlier in his career, Jeff was a management consultant at a financial services firm in the Boston area and, prior to that, was a project manager in commercial lending at FleetBoston Financial. While in law school, he completed internships with MFS and with The Nature Conservancy and was a law clerk at CT Corporation System.